

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18707.9. Public Generally – Residential Properties.**

(a) For purposes of this regulation, the effect of a governmental decision on a public official's real property interests is indistinguishable from the effect on the public generally if 5,000 or ten percent or more of all property owners or all homeowners in the jurisdiction of the official's agency or the district the official represents are affected by the decision and the official owns three or fewer residential property units. A public official's principal residence does not count as one of these residential property units.

(b) The effect of a governmental decision on any of a public official's economic interests (including real property and business interests) is indistinguishable from the effect on the public generally if all of the following apply:

(1) The decision is to establish, eliminate, amend, or otherwise affect the respective rights or liabilities of tenants and owners of residential property pursuant to a resolution, rule, ordinance, or other law of general application;

(2) No economic interest of the public official other than one created by ownership of residential real property, or the rental of that property, is analyzed under this regulation;

(3) The official's economic interests are not directly involved in the decision (as provided in 2 Cal. Code Regs. sections 18704.1, 18704.2(a), and 18705.1);

(4) The decision affects at least ten percent of the residential property units in the jurisdiction of the public official or district he or she represents; and

(5) The decision will affect the official's economic interests in substantially the same manner as it will affect other residential property owners or owners of residential rental property. A public official will be affected in substantially the same manner for purposes of this subdivision if the

decision will be applied on a proportional or "across-the-board" basis on the official's economic interests as on other residential property owners or other owners of residential rental property affected by the decision.

Note: Authority cited: Section 83112, Government Code. Reference: Section 87103, Government Code.

#### HISTORY

1. New section filed 1-16-2001; operative 2-1-2001. Submitted to OAL for printing only pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, Linda Stockdale Brewer, Sacramento Superior Court, Case No. 51275 (1991); Third District Court of Appeals, 3 Civil C010924 (1992) (Register 2001, No. 3).
2. Amendment of subsections (a), (b) and (b)(3) filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).